

REMARKS

This paper responds to the Office Action mailed July 23, 2007. Claims 39-60 were pending and under consideration in connection with the present application. In the present paper, no claims are amended, cancelled, or newly presented for consideration. Thus, claims 39-60 remain pending and under consideration.

Applicants note with appreciation the PTO's indication that claims 43, 47, 48, 54, 58, and 59 are free of the art and patentable and kindly thank the PTO for the same.

I. The Rejection under 35 U.S.C. § 102(e) Should be Withdrawn

Claims 39-42, 44-46, 49-53, 55-57, and 60 stand rejected under 35 U.S.C. § 102(e) as allegedly anticipated by WO01/82916 ("the '916 publication"). The '916 publication claims benefit of U.S. Provisional Application No. 60/201,613 ("the '613 application"), filed May 3, 2000. As such, the '916 publication is entitled to a filing date of May 3, 2000.

Filed herewith is a Declaration under Rule 131 of Lawrence R. McGee, an inventor of the present application, demonstrating that the presently claimed compounds and compositions were invented prior to May 3, 2000. As such, the '916 publication does not qualify as 102(e) prior art to the present application. Therefore, Applicants respectfully request that the rejection of claims 39-42, 44-46, 49-53, 55-57, and 60 as anticipated under 35 U.S.C. § 102(e) by the '916 publication be withdrawn.

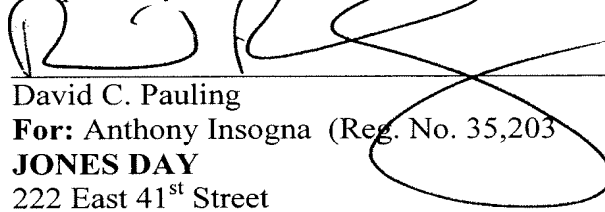
CONCLUSION

In light of the above remarks, Applicants believe that the present application is in condition for allowance and respectfully request an early indication of the same.

Applicants believe that no fee is due in connection with this response beyond the fees associated with the Petition for Extension of Time. Should an additional fee be required, the Commissioner is hereby authorized to charge any such required fee(s) to Deposit Account No. 50-3013, referencing order number 893053-999097. A copy of this sheet is enclosed for such purpose.

Date: January 23, 2008

Respectfully submitted,


David C. Pauling
For: Anthony Insogna (Reg. No. 35,203)
JONES DAY
222 East 41st Street
New York, New York 10017-6702
(212) 326-3939

56,056
(Reg. No.)